IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15423 of 2004

Between:

1 Polisetti Shyam Sundar Son of Hariprasad,
R/o. Sundar Colony, Ring Road, Guntur.
2 Smt.B.Nagasundari Wife of B.S.R. Brahma Rao R/o. Sundar Colony
Ring Road, Guntur Guntur District. rep by their special power of Attorney

B.Nareshchandra reddy
Son of Dasaratharami Reddy Hindu, aged about 42 years R/o. 25-1-583, 1st

Cross, Postal Colony

... PETITIONERS

AND

1 The District Collector, Nellore
2 The Mandal Revenue Officer Venkatachala Mandal, Nellore District.
3 Zilla Parishad High School represented by its Head Master, Besides Industrial

Area, Chemudugunta Village, Venkatachala Mandal, Nellore.
4 Ramamurthy, Contractor C/o. Zilla Parishad High School
rep by its Head Master, Chemugugunta Village Venkatachala Mandal, Nellore

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or order direction more one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in not prohibiting

the respondents 3 and 4 in constructing a compound wall covering the property which is earmarked in protection order Book situated infront of the petitioner's property in Sy.No.314 of Chemudugunta Village, Venkatachalam Mandal, Nellore District which closes the approach road from petitioner's property Nellore Road as illegal, arbitrary and consequently direct the respondents 1 and 2 to pass orders prohibiting respondents 2 and 4 in the constructing a compound wall in the property which is earmarked in the protection order book which also covers the approach road with leads from the petitioner's property to the Nellore High Way Road of chemuduguna, Village, Venkatachala Mandal, Nellore District.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents:G.P for Revenue

The Court at the admission stage made the following Order:

ORDER:

Whether the property is a protected property, set apart for beneficial entitlement of the adjacent owner or not cannot be enquired by this Court under Article 226 of the Constitution of India, on the application made by the petitioner complaining the construction of compound wall by the third and fourth respondents. Petitioner made a representation to the first and second respondents. Acting on the said representation, second respondent sent his staff for causing inspection on 16-08-2004, who said to have orally informed the third and fourth respondents that the said property is in the protection order book and without obtaining permission from them, constructions cannot be made. Since no orders have been passed, petitioner again approached the first and second respondents. In view of the same, it is for the Respondents 1 and 2 to consider the said representation of the petitioner and take appropriate action in the matter for protecting the interest of the Government as well as the persons who will have the right to enjoy the said property as a passage.

2. Accordingly, Respondents 1 and 2 are hereby directed to consider the representation said to have been made by the petitioner on 17-08-2004 and pass appropriate orders after due notice to the parties likely to be affected and intimate the action taken thereon to the petitioner.

The Writ Petition is accordingly disposed of.

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A. GOPAL REDDY, J

August 30, 2004

MRR

To:

1 The District Collector, Nellore
2 The Mandal Revenue Officer Venkatachala Mandal, Nellore District.
3 Two C.D. Copies.